

Dam. Therefore [the Colville Tribes'] amended claim relates back and is not barred by the statute of limitations." 39 Ind. Cl. Comm. 159. As a consequence, the Colville Tribes, in 1976, were able to effectively respond to the U.S.' belated strategy to raise the 1951 statute of limitations.

The Spokane Tribe, however, was not similarly situated. While the Spokane Tribe, like the Colville Tribes, had timely filed its land claims before the Indian Claims Commission in 1951, the Spokane Tribe had already entered into a settlement agreement concerning its original claims on February 21, 1967, approximately nine years prior to any indication that the U.S. might suggest or attempt to limit or eliminate its obligations to the Tribes regarding Grand Coulee Dam. As a consequence, the Spokane Tribe did not have a pending Indian Claims Commission claim to amend in 1976 as did the Colville Tribes. As evidenced by the U.S.' attempt in 1976 to defeat the Colvilles' motion to amend their petition, the U.S. apparently hoped to prevent both the Colvilles and the Spokane from bringing Grand Coulee Claims.

While neither the Colville Confederate Tribes nor the Spokane Tribe knew in 1951 or in 1967 that they needed to file claims for damages and compensation for the construction and operation of Grand Coulee, it was mere happenstance that the Colville Tribes still had an Indian Claims Commission case pending and capable of being amended in the mid-1970's and the Spokane Tribe did not.

Up until the mid-1970's, neither the Colville Tribes nor the Spokane Tribe had any reason to distrust that the U.S. would not attempt to negotiate a fair and honorable compensation settlement given the past Federal agency pronouncements, legal opinions, on-going negotiations and Congressional directives.

When the Colville settlement legislation was moving forward in 1994, the Spokane Tribe pressed for an amendment to waive the statute of limitations and allow the Spokane Tribe to seek just and equitable compensation resulting from the construction of the Grand Coulee Dam. Fearful that the Spokane Tribe's efforts might delay and jeopardize final enactment of the Colville settlement legislation, the Colville Tribes and others requested that the Spokane Tribe defer its efforts to seek settlement of its claims. The Spokane Tribe honored that request. During the joint House and Senate hearings on the Colville legislation, the Assistant Secretary for Indian Affairs did commit in her testimony that she would study the merits of the Spokane claim. The day after the hearings, the Solicitor of the Department committed the Department to examine, independent of the Colville Bill, the Spokane Tribe's claims. The House Resources Committee Report accompanying the Colville legislation stated that the Spokane claim was "identical in many respects" to the harm suffered by the Colville Tribes. The Committee noted "that the Spokane Tribe has a moral claim and requests that the Department of the Interior and the Department of Justice work with the Spokane Tribe to develop a means to address the Spokane's claim." In the Senate, Senators INOUE, Bradley, MURRAY, MCCAIN and Hatfield joined in a colloquy expressing their concern that the claims of the Spokane Tribe should be addressed and urged the Administrative agencies to work with the Spokane Tribe to resolve the Tribe's claims.

Following a subsequent commitment from Associate Attorney General, John R. Schmidt, that the Department and other federal agencies would undertake an "earnest" and "fair evaluation" of the Tribe's claims, the Tribe committed a great deal of time, resources and funding to fully research and document its claims. By late 1995, the Tribe was prepared to formally request that the Interior and Justice Departments establish a federal "negotiating team." In a meeting with Interior Department officials in December 1995, Tribal representatives were astounded when they were advised that the Tribe should return to Congress and renew the Tribe's request for a waiver of the statute of limitations.

On July 9, 1996, Senators MURRAY, MCCAIN, INOUE, Bradley and I sent a letter to Secretary Bruce Babbitt stating the Federal/tribal negotiations urged by Congress in 1994 were not predicated on the Tribe's first obtaining a waiver of the statute of limitations, that the requirement for such an undertaking was "totally contrary to the understanding of the Tribe and to the direction of Congress," and urged that the Interior Department "proceed as soon as possible to negotiate with the Tribe on its power value and fishing claims as previously directed by Congress." Unfortunately, viable and equitable settlement negotiations have not materialized.

Enactment of settlement legislation addressing the meritorious claims of a Tribe, claims otherwise barred by a statute of limitations, is neither new or precedent setting. There is ample precedent for Congressional recognition of the moral claims of Indian tribes and provision of appropriate compensation. Several tribes within the Missouri River Basin suffered very significant damage because of inundation of reservation bottom lands through construction of the Pick-Sloan Project dams. In recognition of these damages, Congress has provided substantial compensation to the Affiliated Tribes of the Fort Berthold Reservation and the Standing Rock Sioux Tribe (P.L. 102-575), the Crow Creek Sioux Tribe (P.L. 104-233), and the Lower Brule Sioux Tribe (P.L. 105-132). Compensatory legislation for the Cheyenne River Sioux Tribe (S. 964) and the Santee Sioux and Yankton Sioux Tribes (S. 1148) are currently pending before this Congress and are expected to move through the Senate Commission on Indian Affairs shortly.

The Federal Government, by its own admission, had a conflict of interest and blatantly breached its fiduciary trust responsibility to the Spokane Tribe. Having breached that trust by converting the Tribe's resources to its own benefit, it led the Tribe to believe it would receive fair and honorable compensation. The United States then changed its position and belatedly asserted new legal defenses against compensation for the Tribe. Now, the U.S. seeks to avoid fair and honorable negotiations with the Tribe it betrayed because the Tribe failed to timely file its claims before the expiration of the statute of limitations. As quoted by the Assistant Secretary for Indian Affairs in her testimony on the Colville settlement legislation:

... I am reminded of the words of Justice Black ... in litigation about another dam flooding the lands of another tribe's territory: "Great nations, like great men, should keep their word." When the Congress enacts and the President signs this legislation, we can all be proud that we are, at last, acting as a great nation should.

I urge my colleagues to keep the word of our Nation and act expeditiously and favorably

on this legislation as it proceeds through the Congress.

RECOGNIZING GARNER E. SHRIVER

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. TIAHRT. Mr. Speaker, I rise today to pay tribute to a great Kansan and a great American.

Garner E. Shriver was born July 6, 1912 in the small Butler County town of Towanda. He attended public schools in Towanda and Wichita, and started an illustrious career of service to our nation by enlisting in the United States Navy following graduation from the University of Wichita and Washburn School of Law.

Honorably discharged as an officer after three years in the Navy, Mr. Shriver served in the Kansas Legislature in both the House of Representatives and the State Senate. In 1960, he was elected to the U.S. House of Representatives by the people of the 4th District of Kansas, who re-elected him seven times. Congressman Shriver was a relentless advocate for the 4th District of Kansas, and worked tirelessly as a senior member of the powerful House Appropriations Committee on behalf of his constituents. During his 16 years in Congress, Garner became an influential voice on significant issues of the day, including health and education benefits for our Nation's veterans, and landmark civil rights legislation. He served on the committee that drafted the Civil Rights Act of 1964.

Although Mr. Shriver left the House in 1977, he didn't leave Congress. He moved over to the Senate and served as minority staff director and general counsel for the Senate Veterans' Affairs Committee from 1977 to 1982, where he made a significant impact on his fellow veterans' lives. Mr. Shriver returned home to Wichita where he practiced law until his death, March 1, 1998. Garner Shriver is survived by his wife, Martha Jane, and three children David, Kay, and Linda. He also has seven grandchildren and two great-grandchildren.

Garner E. Shriver was a noble public servant and served the people of the 4th District with distinction. I am honored to succeed him as the current 4th District Representative, and I am pleased to have an opportunity to honor his service to our nation by introducing legislation today that will designate the facility of the United States Postal Service at 9350 East Corporate Hill Drive in Wichita, KS as the "Garner E. Shriver Post Office Building."

EXPRESSING SUPPORT FOR RE-NEWED EFFORT TO FIND PEACEFUL, JUST, AND LASTING SETTLEMENT TO CYPRUS PROBLEM

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H. Res. 165, a resolution that calls for the rights of Greek Cypriots and